

Billy Kidwell
5064 Silver Bell Drive
Port Charlotte, FL. 33948

January 27, 2011

The Honorable Robert E. Gerber
United States Bankruptcy Judge
United States Bankruptcy Court
Southern District of New York
Alexander Hamilton Custom House
One bowling green
New York, New York 10004

RE: In re Motors Liquidation Company, et al.

Case No. 09-50026

Dear Judge Gerber,

Enclosed is a Motion for Your Disqualification. I have suffered great bodily harm as a direct result of your sitting on my motions and giving General Motors LLC Corporate Attorneys a free reign to terrorize me, and my family, with their constant lies, and harassment.

It appears that on December 24, 2010 I had another Stress-Caused Heart Attack due to your sitting on my motions and encouraging GM to violate the GM Sales Agreement.

I realize that you do not seem to believe that individuals, or individual rights are important, and that it is okay for GM Attorneys to steal over \$30,000 from me, and deny me a day in Court with their shenanigans.

If YOU were trying to support a family on a small Service-Connected Disability income, and had a corrupt corporation steal OVER \$30,000 for you, with a vehicle that doesn't even start I am sure you would feel differently.

I don't think you would think very much of the corrupt judge covering up for the dishonest corporation. All I want is a little honesty. I believe I EARNED that with my honorable military service, and disabilities I suffered for my country.

I hope you will at least PROMPTLY act on the enclosed motion and allow my case to be transferred to an impartial judge.

I have served a copy of this letter on the GM Corporate Attorneys along with the enclosed motion.

Thank you for your time in this matter,

Respectfully Submitted,



Billy Kidwell
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Port Charlotte, FL. 33948
941 627-0433

Copy: File

Attorneys for General Motors

HEARING DATE AND TIME: To Be Determined

Billy Ray Kidwell, *Pro Se*
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On Behalf of himself Pro Se

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re : **Chapter 11**
MOTORS LIQUIDATION COMPANY, *et al.* : **Case No. 09-50026 (REG)**
f/k/a General Motors Corp., *et al.* :
Debtors :
:

MOTION FOR DISQUALIFICATION OF BIAS JUDGE ROBERT E. GERBER

The Record of this Case proves that Motions filed by Attorneys, especially Attorneys for the former General Motors, or General Motors LLC, are promptly acted on by Judge Robert E. Gerber, while Motions filed by a *Pro Se Litigant* are completely ignored, even when the *Pro Se Litigant* is suffering irreparable harm, as a direct result of intentional violations of this Court's GM Sales ORDER, and is in dire health.

The Show Cause, and other Motions filed by the *Pro Se Litigant* have been sitting in this Court for OVER five months, completely ignored by Judge Gerber, despite Emergency Conditions, caused by irreparable harm being intentionally inflicted on the severely disabled *Pro Se Litigant* by General Motors LLC's Corporate Attorneys.

Simply put, without an Attorney there is no “*Meaningful*” Access to Judge Gerber’s Court, or Due Process of Law, for citizen victims, and *Pro Se Litigants*.

Without an Attorney access to Judge Gerber’s Court is a complete farce, as the Court uses dilatory “*Tactics*” to frustrate the severely disabled *Pro Se Litigant-Victim*.

Corporate-Owned Judge Robert E. Gerber, requires victims harmed by the intentional violation of his Court ORDERS, have an Attorney to have “*Meaningful*” Access to his Court, otherwise he just sits on their Complaints, ignoring them, as they suffer irreparable harm.

This Court is fully aware that the GM Sales ORDER says that **all State Lemon Law Obligations are an Assumed Liability for the new General Motors LLC**, and yet this Court has put itself in the pocket of the Corporations, and allowed the new General Motors LLC to rape consumers, terrorize a severely disabled Veteran, and his family, and intentional spread litigation to three additional Courts, by intentionally violating the Sales Agreement, and intentionally violating this Court’s GM Sales ORDER, as the new General Motors LLC absolutely refuses to accept Florida’s Lemon Law Obligations, known as Chapter 681, and quoted as the “*Motor Vehicle Warranty Enforcement Act*”, as an Assumed Liability.

Judge Gerber’s great disparity in the treatment of victims coming to his Court, and his great preference for attorneys, violates the Cannons of Ethics for Judges, violates the ABA Model Rules of Professional Conduct for Attorneys, and makes a mockery of the United States

Constitution, making the Constitutional Rights of Citizens to an Impartial Hearing Body, and to Due Process of Law, a complete farce.

The conduct of Judge Gerber, knowing the *Pro Se Victim* of the intentional violation(s) of this Court's GM Sales ORDER, has a history of Life-Threatening Stress-Caused Heart Attacks, and is being terrorized by General Motors LLC's Corporate Attorneys, as the corporate attorneys intentionally endanger the severely disabled Veteran's life, possibly causing another heart attack on December 24, 2010, as a direct result of this Court's inaction, all while GM's Corporate Attorneys spread litigation to three other Courts, is beyond appalling, and outrageous.

This Court ENCOURAGES the wrongful conduct, by making it clear these past five months that General Motors LLC is *free* to violate this Court's GM Sales ORDER, and commit any wrong, apparently because the Corporate Attorneys in this case somehow have Judge Gerber deep in their pocket.

Or else Judge Gerber harbors some hate against non-Attorneys coming to his Court, and just hates *Pro Se Litigants*.

Either way, Judge Gerber has destroyed all Public Trust in this Bankruptcy Court, and has made it appear proceedings in Judge Gerber's Court are "*Fixed*" for Corporations.

It is for these reasons, that Judge Gerber MUST disqualify himself and appoint an Impartial Judge, that treats all parties equally.

This Court MUST appoint a judge with the backbone to stand up to General Motors LLC, and the morals to enforce this Court's OWN GM Sales ORDER.

A judge with the backbone, and morals, to state that Florida's Lemon Law Obligations, known as Chapter 681, and quoted as the "*Motor Vehicle Warranty Enforcement Act*", are an Assumed Liability for the new General Motors LLC, exactly as the GM Sales Agreement, and this Court's GM Sales ORDER says.

A Judge with the morals to promote Public Faith in this Court, by imposing substantial Sanctions against a Corporation, that not only intentionally violates this Court's ORDERS, but terrorizes, and causes irreparable harm to a severely disabled Veteran, as it does so.

The conduct of Judge Gerber, giving the new General Motors LLC Corporate Attorneys a *free* reign to intentionally violate this Court's GM Sales ORDER, and terrorize America's disabled Veterans, is not just outrageous, and unconstitutional, IT IS UN-AMERICAN.

THEREFORE the extremely disabled *Pro Se Litigant* prays Judge Robert E. Gerber will, **Pro Bono Publico**, and for the Constitutional, and other reasons, recluse himself.

Respectfully Submitted,



January 27, 2011

Billy Ray Kidwell

5064 Silver Bell Drive

Port Charlotte, FL. 33948 941 627-0433

CERTIFICATE OF SERVICE

I, Billy Ray Kidwell, hereby certify that a true and correct copy of the attached was served on All Parties on this the 27th day of January 2011 by mailing a true and correct copy of same in the U.S. Mail addressed to them.

Billy Ray Kidwell

Billy Ray Kidwell